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OFFICE OF PETITIONS

In re Application of :
Jeanette M. Cardamone and Jiming :
Yao : DECISION REFUSING STATUS
Application No. 10/730,208 : UNDER 37 CFR 1.47(a)
Filed: December 8, 2003 :
For: METHODS OF IMPROVING
SHRINK-RESISTANCE OF NATURAL
FIBERS, SYNTHETIC FIBERS, OR
MIXTURES THEREOF, OR FABRIC OR YARN
COMPOSED OF NATURAL FIBERS,
SYNTHETIC FIBERS, OR MIXTURES
THEREOF

This is in response to the "Petition Under 37 CFR 1.47(a)," filed June 14, 2004.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 8, 2003 without an executed oath or declaration and naming Jeanette M. Cardamone and Jiming Yao as joint inventors.

Accordingly, on March 15, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and surcharge for its late filing.

In response, on June 14, 2004, the instant petition and a one (1) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (1), as set forth above.

Rule 47 applicant has failed to show that the inventor cannot be reached. Applicant has stated that calls were made to the telephone number of record and that the non-signing inventor may be in China. A copy of the application papers (specification, claims and drawings) should be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail, internet search or the telephone continue to fail, then applicant will have established that the inventor cannot be reached.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office